



## **South Carolina Department of Health and Environmental Control Division of Site Assessment and Remediation Public Participation Guidelines**

These objectives guide the planning and implementation of community relations efforts in each Superfund response to be performed by staff of the Site Assessment and Remediation Program (ADepartment≡), Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control.

### **1. Public Participation Objectives:**

- a. Provide the public the opportunity to express comments on and provide input to technical decisions. An ongoing community relations effort encourages and helps local citizens contribute to Agency decisions that will have long-term effects on their community.
- b. Inform the public of planned or ongoing actions. Community relations activities inform the local public of the nature of the environmental problem, the threat it may pose, the responses under consideration, and the progress being made.
- C. Identify and resolve conflict. Conflict may be unavoidable in some circumstances, but it can be constructive if it brings alternative viewpoints based upon sound, factual reasons into the open. An effective community relations effort channels conflict into a forum where it can serve a useful purpose.

## **COMMUNITY RELATIONS REQUIREMENTS FOR RESPONSIBLE PARTIES (RP)**

These guidelines have been established for public participation at Fund lead and Responsible Parties (RP) lead response actions. For each site, Department staff will be responsible for managing the public participation guidelines.

When we enter into a Voluntary Cleanup Contract or consent agreement with a RP, they may be asked to assist with these public participation guidelines. The RPs will be financially responsible for costs of public participation. For example: At a minimum, Section staff will approve newspaper public notices; however, RPs will be expected to pay for these notices.

**CERCLA COMMUNITY RELATIONS REQUIREMENTS FOR  
REMOVAL ACTIONS**

**1. Removal Actions Expected to Last Less Than 30 Days:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Agency Spokesperson(s)	The Project Manager may be responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) §300.415(m)(1)
Memorandum of Decision	Place a Memorandum in the file that documents the removal cleanup decision. Have the memo signed by the Section Manager. Place the memo in both the Bureau file and the Administrative Record.	
Administrative Record (AR)	Is a subset of the Bureau=s file and must be designated as AR in a separate index established and available for public review.	SARA §113(k); NCP §300.820
	If the emergency removal activity lasts longer than 30 days, the Department must make the administrative record available to the public at both a central location and at or near the site. Also, if an emergency removal last more than 30 days, the Department should consider implementing public participation guidelines for a removal action of greater than 30 days.	Community Relation Plan in Superfund: A Handbook - 2.1.1

**2. For Removal Actions Greater Than 30 days and Less Than 120 days with Planning**

**Period of Less Than 6 Months:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) §300.415(m)(1)
Administrative Record	Within 60 days of the start of on-site removal activity, the Department must establish an administrative record and make the administrative record available to the public at a central location, and at or near the site.	SARA §113(k); NCP §300.820
Notice and Availability of Administrative Record	When the Department established the administrative record for the public, a notice of availability should be issued in a local newspaper(s) of general circulation. This notice must include the opportunity for a public meeting.	NCP §300.415(m)(2)(I) and §300.820(b)(1)
Public Comment Period	The Department must provide a public comment period, as appropriate*, of not less than 30 days from the time the administrative record is made available for public inspection.	NCP §300.415(m)(2)(ii)  *Required for state fund lead actions.
Response to Significant Comments	The Department must prepare a written response to significant comments.	NCP §300.415(m)(2)(iii)
Public Meeting	A Public Meeting/Availability Session must be held if requested or if determined appropriate by the Department.	Not required by the NCP.

**3. For Removal Actions Expected to Extend Beyond 120 days with Planning Period of Less Than 6 Months:**

Site Activity	Requirements(s)	Requirement Resource
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) §300.415(m)(1)
Administrative Record	The Department must establish an administrative record, which will include the Bureau=s file index. The Department shall make the AR available to the public at a central location and at or near the site within 60 days from the start of on-site removal activity. Additional information of interest shall be added within 120 days. Notify the public by issuing a notice of availability in a local newspaper(s) of general circulation.	SARA §113(k); NCP §300.820
Community Input	By the end of the 120-day period, the Department must conduct interviews* with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process.**	NCP §300.415(m)(3)(I)  *Door-to-door interviews will be performed on an as needed basis. **A Public Meeting/Availability Session can be held to obtain this information.
Community Relations Plan (CRP)	The Department must prepare a formal CRP, based on community input and other relevant information, that specifies the community relations activities the Department plans to undertake during the response. The Department must complete this CRP within 120 days of the start of on-site removal activity.	NCP §300.415(m)(3)(ii)

**4. For Removal Actions Greater Than 120 Days with a Planning Period of At Least 6 Months:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) §300.415(m)(1)
Administrative Record	The Department must establish an administrative record, which will include the Bureau=s file index. The Department shall make the AR available when the Engineering Evaluation/Cost Analysis (EE/CA) is made available for public comment. Notify the public by issuing a notice of availability in a local newspaper(s) of general circulation.	NCP §300.415(m)(4)(I)
Community Input and Community Relations Plan (CRP)	Prior to the completion of EE/CA, the Department must obtain community input by performing interviews* with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process. Also, prior to the completion of the EE/CA, the Department must prepare a formal CRP, based on community input and other relevant information, that specifies the community relations activities the Department plans to undertake during the response. The Department must complete this CRP within 120 days of the start of on-site removal activity.**	NCP §300.415(m)(4)(I); NCP §300.415(m)(3)(iii)  *Door-to-door interviews will be performed on an as needed basis.  **A Public Meeting/Availability Session can be held to obtain this information.

Notice of Availability/ Description of EE/CA	The Department must publish a notice of availability and a brief description of the EE/CA in a local newspaper(s) of general circulation.	NCP 300.415(m)(4)(ii)
Public Comment Period	Upon completion of the EE/CA, the Department must provide at least 30 days for the submission of written and oral comments. The Department must extend this comment period by at least 15 days upon timely request.	NCP 300.415(m)(4)(iii)
Responsiveness Summaries	The Department must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository.	NCP 300.415(m)(4)(iv)
Public Meeting	A Public Meeting/Availability Session must be held if requested by the public, or if determined appropriate by the Department.	Not required by the NCP.

**CERCLA COMMUNITY RELATIONS REQUIREMENTS FOR  
REMEDIAL ACTIONS**

**1. Prior to Remedial Investigation (RI):**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) §300.415(m)(1)
Community Input/Interviews	The Department must hold discussions with local officials and community members to assess their concerns and determine appropriate community relations activities.*	NCP §300.430(c)(2)(I) *A Public Meeting/ Availability Session may be held to obtain this information.
Community Relations Plan (CRP)	The Department must develop and approve a complete CRP based on community interviews before remedial investigation field activities start.	NCP §300.430(c)(2)(ii)(A-C)
Administrative Record	The Department must establish an Administrative Record. The Department must make these items available for public inspection and copying and inform interested citizens of the establishment of the Administrative Record by issuing a notice in a local newspaper(s) of general circulation.	SARA §117(d); NCP §300.430(c)(2)(iii)
Public Meeting	The Department may hold a Public Meeting/Availability Session prior to the commencement of the RI dependent upon the site, its condition and surrounding areas.	Present RI Work plan and field dates, if known.



## 2. Upon Commencement of Remedial Investigation:

Site Activity	Requirements(s)	Requirement Resource
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) 300.415(m)(1)
Administrative Record	The Department shall maintain an administrative record.	SARA 113(k); NCP 300.815
Public Meeting	The Department may provide an opportunity for a Public Meeting to provide results of the Remedial Investigation.	NCP does not require this. This should be decided on a site-by-site basis.

### 3. Upon Completion of the Feasibility Study (FS) and Proposed Plan:

Site Activity	Requirements(s)	Requirement Resource
Agency Spokesperson(s)	The Project Manager is responsible for implementing public participation which includes informing the public about the release and actions taken; responding to questions; immediately notifying affected PRPs, citizens, state and local officials, and when appropriate, local hospitals, fire departments, emergency medical services personnel, and DHEC=s Hazardous Materials Team. Assistance will be provided by Community Relations personnel, Supervisors, and Media Relations personnel.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) 300.415(m)(1)
RI/FS and Proposed Plan Notification and Analysis for Remedial Action (RA)	The Department must publish a notice of the availability of the RI/FS and proposed plan, including a brief summary of the proposed plan, in a major local newspaper of general circulation. The notice also must announce a public comment period.	SARA 3117(a) and (d); NCP 300.430(F)(3)(I)(A)
Public Comment Period on RI/FS and Proposed Plan	The Department must provide at least 30 days for the submission of written and oral comments on the RI/FS and proposed plan. This comment period will be extended by a minimum of 30 additional days upon timely request.	SARA 3117(a)(2); NCP 300.430(F)(3)(c)
Public Meeting	The Department must provide an opportunity for a public meeting* to be held at or near the site during the comment period.	SARA 3113 and 3117(a)(2); NCP 300.430(F)(3)(I)(D)  *Required for state fund lead sites; however, recommended for all sites.
Meeting Transcript	The Department must prepare a meeting transcript and make it	SARA 3117(a)(2); NCP 300.430(F)(3)(I)(E)

	available to the public by adding it to the Administrative Record.	
Responsiveness Summary	The Department must prepare a summary of significant comments and new relevant information submitted on the proposed plan and RI/FS, and ensure that this summary is included in the ROD.	SARA §113 and §117(b); NCP §300.430(F)(3)(I)(F)

**4. Pre-ROD Significant Changes:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Discussion of Significant Changes	Upon determination that such changes could be reasonably anticipated by the public, the Department must include in the ROD a discussion of significant changes and the reasons for such changes.	NCP 300.430(F)(3)(ii)(A)
Revised Proposed Plan and Public Comment	Upon determination that such changes could not have been reasonably anticipated by the public, the Department must issue a revised proposed plan that includes a discussion of the significant changes and the reasons for such changes. The Department must seek an additional 15-day public comment period on the revised proposed plan and must publish a notice of public comment in a local newspaper(s) of general circulation.	NCP 300.430(F)(3)(ii)(B)

**5. After the ROD is signed:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
ROD Availability and Notification	The Department must make the ROD available for public review and copying at or near the site prior to the commencement of any remedial action. Also, the Department must publish a notice of the ROD=s availability in a major local newspaper of general circulation. The notice must state the purpose of the selected action.	NCP 300.435(F)(6)
Revision of the CRP	Prior to the remedial design, the Department should revise the CRP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertains to the remedial design and construction phase.	NCP 300.435(c)(1)

## 6. Post-ROD Significant Changes:

*When the remedial action differs significantly from the remedy selected in the ROD with respect to scope, performance, or cost:*

Site Activity	Requirements(s)	Requirement Resource
Notice and Availability of Explanation of Significant Differences	The Department must publish a notice that briefly summarizes the explanation of significant differences and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository.	NCP 300.435(c)(2)(I)(A) and (B)

*When the remedial action fundamentally alters the basic features of the selected remedy with respect to scope, performance, or cost:*

Site Activity	Requirements(s)	Requirement Resource
Notice of Availability/Brief Description of Proposed ROD Amendment	The Department must propose an amendment to the ROD and issue a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation.	NCP 300.435(c)(2)(ii)(A)
Public Comment Period	The Department must provide at least 30 days for the submission of written and oral comments on the proposed ROD amendment. This comment period will be extended by a minimum of 30 additional days upon timely request.	SARA 317(a)(2); NCP 300.430(F)(3)(c)
Public Meeting	The Department must provide an opportunity for a Public Meeting/Availability Session to be held at or near the site during	SARA 313 and 317(a)(2); NCP 300.430(F)(3)(I)(D)

	the comment period; or if determined appropriate by the Department.	
Meeting Transcript	The Department must obtain a meeting transcript, if appropriate, and make it available to the public by adding it to the Administrative Record.	SARA §117(a)(2); NCP §300.430(F)(3)(I)(E)
Responsiveness Summary	The Department must prepare a summary of significant comments and new relevant information submitted on the proposed plan and RI/FS, and ensure that this summary is included in the ROD.	SARA §113 and §117(b); NCP §300.430(F)(3)(I)(F)
Notice and Availability of Amended ROD	The Department must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record prior to commencement of the remedial action affected by the amendment.	NCP §300.435(c)(2)(ii)(G) and (H)

**7. Remedial Design:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Public Meeting	The Department must provide an opportunity for a Public Meeting/Availability Session if determined appropriate.	Not required by the NCP.
Fact Sheet	Upon completion of the final engineering design, the Department must issue a fact sheet.	NCP §300.435(c)(3)



**8. Upon Completion of the Remedial Action:**

<b>Site Activity</b>	<b>Requirements(s)</b>	<b>Requirement Resource</b>
Fact Sheet	The Department may issue a Fact Sheet to the community, local officials, interested parties, on the construction/completion of the remedy.	Not required by the NCP.

**COMMUNITY RELATIONS REQUIREMENTS FOR  
NON-RESPONSIBLE PARTIES (NRP) CONTRACTS**

1. Upon signature of a voluntary cleanup contract by a Non-Responsible party (NRP), the Department will provide notice and opportunity for public participation. Notification of the proposed contract will be placed in a newspaper in general circulation within the affected community. The comment period will last for thirty (30) days. The public notice period will precede the Department=s scheduled date for execution of the contract. A public meeting shall be conducted upon request to the Bureau=s Site Assessment and Remediation Section by twelve residents of South Carolina or an organization representing twelve or more residents of South Carolina. Under any other circumstances, a public meeting may be conducted at the Department=s discretion.
2. Beginning with the thirty (30) day notice period and continuing through completion of the terms of the contract, the NRP must post a sign, in clear view from the main entrance to the site, stating the name, address, and telephone number of a contact person for information describing the site=s response actions and reuse.
3. At the Department discretion, may expand to include additional public participation as outlined for removal and remedial actions.